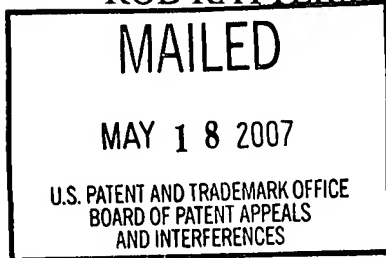


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LOU LEONARDO, GURINDER SINGH GREWAL,
ROB RATTERMAN, JOSH KNEPFLE, RANDY CHING, and TOLA DALTON



Application 10/009,696
Technology Center 3600

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on April 16, 2007. A review has determined that the application is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appeal Brief

Appellants filed an Appeal Brief which was received by the USPTO on January 30, 2006. The content furnished under the heading "**Summary of the Invention**" (which should be labeled **--Summary of the Claimed Subject Matter--**) is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because there is no description of the subject matter defined in each of the independent and dependent claim(s), argued separately, involved in the appeal.


The Manual of Patent Examining Procedure (MPEP) § 1205.03(B) states:

When the Office holds the [B]rief to be defective solely due to [A]ppellant[s'] failure to provide a summary of the claimed subject matter as required by 37 CFR [§] 41.37(c)(1)(v), an entire new [B]rief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR [§] 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and § 711.02(b).

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on January 30, 2006, defective;
- 2) to notify Appellants to file a paper providing a Summary of Claimed Subject Matter as required by 37 C.F.R. § 41.37(c)(1)(v);
- 3) to consider the paper providing a Summary of Claimed Subject Matter as required by 37 C.F.R. § 41.37(c)(1)(v); and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

Application 10/009,696

*THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON, OH 44316-0001*

PJN/hh